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10 Attorneys for Northern Trust, NA

11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF ARIZONA**

13 In re:

14 PATRICIA LIVI,
15 Debtor.

16 In re:

17 TOTAL LIVING CONCEPTS, LLC,
18 Debtor.

19 NORTHERN TRUST, NA,
20 Movant,

21 vs.

22 TOTAL LIVING CONCEPTS, LLC,
23 Respondent.

Chapter 11
No. 2:10-bk-01016-SSC
No. 2:10-bk-06607-SSC
(jointly administered)

**AFFIDAVIT OF DEAN RONEY IN
SUPPORT OF NORTHERN TRUST,
NA'S MOTION FOR RELIEF FROM
THE AUTOMATIC STAY**

(Real Property located at 6927 North
Quail Run, Paradise Valley, Arizona)

24 STATE OF ARIZONA)
25) ss.
26 County of Maricopa)

Dean Roney, being duly sworn upon oath, deposes and states as follows:

1. I am a Vice President of Northern Trust, NA ("Northern Trust") and am
authorized to make and submit this Affidavit on Northern Trust's behalf.

1 2. I am familiar with the loan that Northern Trust issued to Total Living
2 Concepts, LLC ("TLC"). This Affidavit is based on my personal knowledge and on
3 records and documents that Northern Trust has prepared and maintained in the ordinary
4 course of its business. These records were made at or near the time of the underlying
5 events by (or from information transmitted by) a person with first-hand knowledge
6 acquired in the regular course of Northern Trust's business. I am a custodian of those
7 records and documents.

8 3. On November 14, 2007, Northern Trust extended a loan to TLC in the
9 original principal balance of \$1,832,000.00 (the "Loan"). On June 18, 2008, Northern
10 Trust agreed to modify and extend the Loan. The Loan as modified is evidenced by a
11 Promissory Note dated June 18, 2008 in the original principal amount of \$1,832,000.00.
12 A true and accurate copy of the Promissory Note is attached to Northern Trust's *Motion*
13 *for Relief from the Automatic Stay* as **Exhibit B**.

14 4. The Loan matured on December 18, 2008, at which time the outstanding
15 principal balance was \$1,832,000.00.00. In February 2009, Northern Trust and TLC
16 entered into a Forbearance Agreement that extended the maturity date of the Loan to June
17 18, 2009. A true and accurate copy of the Forbearance Agreement is attached to Northern
18 Trust's *Motion for Relief from the Automatic Stay* as **Exhibit C**.

19 5. TLC granted to Northern Trust a Deed of Trust to secure TLC's obligations
20 under the Loan. The Deed of Trust was recorded on November 16, 2007 in the office of
21 the Maricopa County, Arizona Recorder at Recorder No. 2007-1228263. A true and
22 accurate copy of the Deed of Trust is attached to Northern Trust's *Motion for Relief from*
23 *the Automatic Stay* as **Exhibit D**.

24 6. The Loan is in default due in part to TLC's failure to pay the Loan in full by
25 its maturity date of June 18, 2009.

26 7. As of April 7, 2010, the principal balance due on the Loan was
\$1,832,000.00, together with interest thereon at the default rate of 9.750% per annum

1 from that date until paid. Unpaid accrued interest up to April 7, 2010 totals \$100,645.50.
2 Northern Trust is further owed late fees and the attorneys' fees, costs and other expenses
3 incurred in connection with this action and the enforcement of the Loan and Deed of
4 Trust.

5 8. TLC has not made any payments on the Loan—whether interest payments
6 or principal payments—since June 2009. Nor has TLC's bankruptcy estate made any
7 payments on the Loan.

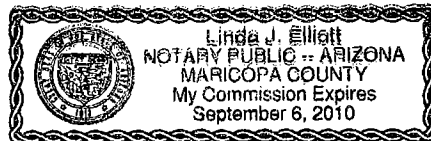
8
9 Dated: 6/23/10

Dean Roney
10 Dean Roney

11
12
13 SUBSCRIBED AND SWORN TO before me this 23 day of June 2010.

14 Linda J. Elliott
15 Notary Public

16 (Notary Seal)



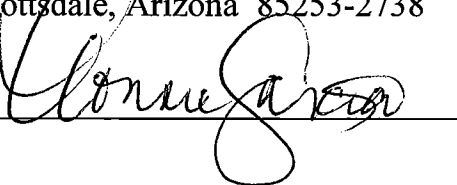
1 Copy of the foregoing was mailed this
2 24th day of June 2010 to:

3 Total Living Concepts LLC
4 6927 E. Quail Run Road
5 Paradise Valley, Arizona 85253
Debtor

6 Tracy S. Essig
7 Law Office of Tracy S. Essig
8 3509 E. Shea Blvd., Ste. 117
9 Phoenix, Arizona 85028
tracyessiglaw@cox.net
Attorney for Debtor

10 U.S. Trustee
11 Office of the U.S. Trustee
12 230 North First Avenue, Suite 204
Phoenix, Arizona 85003

13 SunChase Century, LLC
14 c/o Ethan Minkin
15 Kutak Rock LLP
16 8601 N. Scottsdale Road, Ste. 300
17 Scottsdale, Arizona 85253-2738

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